

AN ACT

relating to an established schedule of payments from the foundation school fund of the yearly entitlement of certain open-enrollment charter schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.2591 to read as follows:

Sec. 42.2591. FOUNDATION SCHOOL FUND TRANSFERS TO CERTAIN CHARTER SCHOOLS. (a) On the request of an open-enrollment charter school, the commissioner shall compare the student enrollment of the open-enrollment charter school for the current school year to the student enrollment of the school during the preceding school year. If the number of students enrolled at the open-enrollment charter school for the current school year has increased by 10 percent or more from the number of students enrolled during the preceding school year, the open-enrollment charter school may request that payments from the foundation school fund to the school for the following school year and each subsequent school year, subject to Subsection (b), be made according to the schedule provided under Subsection (c).

(b) An open-enrollment charter school that qualifies to receive funding as provided by this section is entitled to receive funding in that manner for three school years. On the expiration of that period, the commissioner shall determine the eligibility of

1 the open-enrollment charter school to continue receiving payments  
2 from the foundation school fund under this section for an  
3 additional three school years. Subsequently, the open-enrollment  
4 charter school must reestablish eligibility in the manner provided  
5 by this subsection every three school years.

6 (c) Payments from the foundation school fund to an  
7 open-enrollment charter school under this section shall be made as  
8 follows:

9 (1) 22 percent of the yearly entitlement of the school  
10 shall be paid in an installment to be made on or before the 25th day  
11 of September of a fiscal year;

12 (2) 18 percent of the yearly entitlement of the school  
13 shall be paid in an installment to be made on or before the 25th day  
14 of October;

15 (3) 9.5 percent of the yearly entitlement of the  
16 school shall be paid in an installment to be made on or before the  
17 25th day of November;

18 (4) four percent of the yearly entitlement of the  
19 school shall be paid in an installment to be made on or before the  
20 25th day of December;

21 (5) four percent of the yearly entitlement of the  
22 school shall be paid in an installment to be made on or before the  
23 25th day of January;

24 (6) four percent of the yearly entitlement of the  
25 school shall be paid in an installment to be made on or before the  
26 25th day of February;

27 (7) four percent of the yearly entitlement of the

1 school shall be paid in an installment to be made on or before the  
2 25th day of March;

3 (8) 7.5 percent of the yearly entitlement of the  
4 school shall be paid in an installment to be made on or before the  
5 25th day of April;

6 (9) five percent of the yearly entitlement of the  
7 school shall be paid in an installment to be made on or before the  
8 25th day of May;

9 (10) seven percent of the yearly entitlement of the  
10 school shall be paid in an installment to be made on or before the  
11 25th day of June;

12 (11) seven percent of the yearly entitlement of the  
13 school shall be paid in an installment to be made on or before the  
14 25th day of July; and

15 (12) eight percent of the yearly entitlement of the  
16 school shall be paid in an installment to be made on or before the  
17 25th day of August.

18 (d) The amount of any installment required by this section  
19 may be modified to provide an open-enrollment charter school with  
20 the proper amount to which the school may be entitled by law and to  
21 correct errors in the allocation or distribution of funds.

22 (e) Previously unpaid additional funds from prior fiscal  
23 years owed to an open-enrollment charter school shall be paid to the  
24 school together with the September payment of the current fiscal  
25 year entitlement.

26 SECTION 2. (a) Section 42.2591, Education Code, as added by  
27 this Act, applies only to a payment from the foundation school fund

1 that is made on or after September 1, 2015. A payment to an  
2 open-enrollment charter school from the foundation school fund that  
3 is made before September 1, 2015, is governed by the law in effect  
4 on the date the payment was made, and the former law is continued in  
5 effect for that purpose.

6 (b) The commissioner of education shall determine the  
7 eligibility of an open-enrollment charter school to receive  
8 payments under Section 42.2591, Education Code, as added by this  
9 Act, for the 2015-2016 school year based on the growth in the  
10 school's enrollment between the 2013-2014 and 2014-2015 school  
11 years.

12 SECTION 3. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2015.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2251 was passed by the House on May 15, 2015, by the following vote: Yeas 138, Nays 1, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2251 was passed by the Senate on May 26, 2015, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor